

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND
2013 MAR 12 P 3:46
CLERK OF COURT

MARION PUSHIA,
Petitioner,

CIVIL ACTION NO. WMN-13-286

v.

BALTIMORE COUNTY CIRCUIT COURT,
Respondent.

MEMORANDUM

The above-captioned action was filed with this Court on January 28, 2013. Petitioner seeks to have this Court issue an Order directing the Baltimore County Circuit Court resentence him. ECF No. 1. Although Petitioner has not filed a Motion for Leave to Proceed in Forma Pauperis, because he appears indigent, indigency status shall be granted pursuant to 28 U.S.C. § 1915(a).

Because Petitioner seeks to compel a certain action by the state and/or its agents, the Court concludes that the present matter is in the nature of a writ of mandamus. See 28 U.S.C. § 1361. Federal district courts have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or one of its agencies to perform a duty owed to a petitioner. However, this federal district court has no mandamus jurisdiction over state employees and cannot compel a Maryland state court to take a particular action in his case. *Gurley v. Superior Court of Mecklenburg County*, 411 F.2d 586, 586-87 (4th Cir. 1969). Therefore, Petitioner's request for mandamus relief shall be denied.

A separate Order shall be entered reflecting the Opinion set forth herein.

March 12, 2013
Date

/s/
William M. Nickerson
Senior United States District Judge